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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DU, THUAN N

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-23* is/are pending in the application.

   4a) Of the above claim(s)_____ is/are withdrawn from consideration.

5)☐ Claim(s)_____ is/are allowed.

6)☒ Claim(s) *1,3 and 5-23* is/are rejected.

7)☐ Claim(s)_____ is/are objected to.

8)☐ Claim(s)_____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 November 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No._____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *11/24/04*.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date._____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other:_____.

DETAILED ACTION

1.   It is hereby acknowledged that the following papers have been received and placed of

record in the file: Amendment (dated 11/16/04) and IDS (dated 11/24/04).

2.   Claims 1, 3 and 5-23 are presented for examination.

Claim Objections

3.   Claim 1 (second occurrence, the claim listed between claim 12 and claim 13) is objected

to because of the following informalities: Examiner believes that the mentioned claim was

mistakenly listed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

6.   Claim 11 recites the limitation "the user interface" in line 3, which has never mentioned

in claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1, 3, 5, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Rockwell et al. [Rockwell] (U.S. Patent No.5,479,599).

9.   Regarding claim 1, Rockwell teaches a method for allocating processing resources, the

method using a processor (70) coupled to a display device (52) and to a user input device (54,

56), the method comprising:

        allocating the processing resources (CECs) by displaying a list of processing resources on

the display device [col. 4, lines 11-12], wherein the processing resources comprise at least one of

a hardware processor [col. 3, lines 8-9] and a software program [col. 4, lines 38-40];

        accepting signals from the user input device to indicate the configuration of a selected

processing resource of the processing resources [col. 3, lines 36-38; col. 4, lines 9-10, 14]; and

        configuring (activating/deactivating) the selected processing resource [col. 3, lines 38-42;

col. 4, lines 64-67; col. 6, line 6 et seq.].

10.   Regarding claim 3, Rockwell teaches the method further comprising:

        accepting signals from the user input device to indicate first and second processors for

configuration [col. 5, lines 5-8]; and

        automatically coupling (linking) the first processor to the second processor via a digital

network (network 35) [col. 6, lines 1-47].

11.   Regarding claim 5, Rockwell teaches the method further comprising:

accepting first signals from the user input device to indicate a processing platform to be

used [col. 4, lines 9-31];

accepting second signals from the user input device to indicate a software component to

be installed [col. 4, lines 31-36]; and

automatically installing the software component onto the processing platform [col. 4,

lines 38-42].

12.   Regarding claim 8, Rockwell teaches a system for providing configurable resources to

create a processing environment, the system comprising:

a configurable communication link (network 35) [Fig. 1];

a plurality of processing devices (CECs) [col. 3, lines 8-9] coupled to the communication

link [Fig. 1]; and

a plurality of software programs executable by the processing devices [col. 4, lines 28-

43], wherein the processing environment comprises the communication link, at least one of the

processing devices and at least one of the software programs.

13.   Regarding claim 9, Rockwell teaches the system further comprising:

a user interface (display 52) coupled to the system [Fig. 1; col. 3, line 26]; and

a controller configured to accept commands from the user interface to configure a second

system and configured to configure the second system in response to the commands [col. 3, lines

35-38].

14.   Regarding claim 11, Rockwell teaches that the system is configured to support visual

construction of the processing environment via the user interface [col. 4, lines 11-12, 34-35;

Figs. 3-16].

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

16.   Claims 6, 7, 10 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rockwell et al. [Rockwell] (U.S. Patent No.5,479,599).

17.   Regarding claims 6 and 7, one of ordinary skill in the art would have readily recognized

that software programs could be loaded either from a local computer or a server. Therefore, it

would have been obvious to one of ordinary skill in the art to recognize that the software

component taught by Rockwell could be either a server component or a client component.

18.   Regarding claims 10 and 12, Rockwell does not explicitly teach that the system is

configured to automatically manage licensing of a one of the software programs. However, one

of ordinary skill in the art would have recognized that in order for a user to use a software

program, i.e. operating system, the software program has to be licensed. Therefore, it would

have been obvious to one of ordinary skill in the art to recognize that in order for the user to load

the selected operating system as taught by Rockwell, the selected operating system has to be

licensed.

19.   Regarding claim 13, Rockwell teaches a method for allocating processing resources, the

method employing a computer user interface coupled to a display screen and to an input device

for generating signals in response to interactions of a user, the method comprising:

allocating the processing resources by

accepting a first signal from the input device (54, 56) which enables the user to specify an

operating system for use in a computing environment [col. 4, lines 28-42];

accepting a second signal from the input device (54, 56) which enables the user to specify

a processor for use within the computing environment [col. 4, lines 9-15];

activating an active operating system, wherein the active operating system is a specified

operating system to run in the computing environment [Figs. 2a-h; col. 3, lines 47-48]; and

activating an active processor, wherein the active processor is a specified processor to run

in the computing environment [Figs. 2a-h; col. 3, lines 47-48].

Rockwell does not explicitly teach that specific type of operating system and processor

are selected. However, Rockwell discloses that the system includes a multiplicity of processors

[col. 2, lines 33-34] and multiplicity of operating systems [col. 4, lines 28-41]. Therefore, it

would have been obvious to one of ordinary skill in the art the recognize that selecting a desired

processor and a desired operating system is selecting a type of processor and a type of operating

system.

20.   Regarding claim 14, Rockwell teaches the method further comprising the step of

displaying the computing environment, wherein the computing environment comprises the active

processor and the active operating system [Fig. 10; col. 6, lines 1-22].

21.   Regarding claim 18, Rockwell teaches that the active software program for the computing environment is displayed in response to user selection [col. 4, lines 32-35].

22.   Regarding claim 19, Rockwell teaches that the system accepting a signal, wherein the signal allows the user to shut down the computing environment [Fig. 2i].

23.   Regarding claim 20, Rockwell teaches that the system accepting a signal which allows the user to specify a new machine to run in the computing environment [col. 5, lines 18-20], to activate the new machine [col. 6, lines 1-2] and to display the computing environment having the active machine [col. 6, lines 16-18].

24.   Regarding claim 21-23, Rockwell teaches that a plurality of processors and software programs are displayed for user selection [col. 4, lines 9-15, 34-35].

25.   Regarding claims 15-17, Rockwell teaches the claimed method steps. Therefore, Rockwell teaches the apparatus to implement the claimed method steps.

Conclusion

26.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 9:30 AM - 8:00 PM, EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

        Central TC telephone number is (571) 272-2100.

        The fax number for the organization is (703) 872-9306.

27.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Thuan N. Du
February 26, 2005